

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-CV-00454-M

TREVOR G. GRAHAM & ANN
GRAHAM,

Plaintiffs,

v.

TRUSTEE SERVICE OF CAROLINA,
PLLC, et al.,

Defendants.

ORDER

Before the court are four motions: two motions filed by the Plaintiffs asking the court to enter default judgment against Defendants [DE 18, DE 44], one motion filed by Defendant Trustee Services of Carolina asking the court to dismiss Plaintiffs' complaint [DE 21], and one motion filed by Defendant Shellpoint Mortgage Servicing asking the court to dismiss the Plaintiffs' complaint [DE 23]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers II entered a memorandum and recommendation ("M&R"), recommending the court dismiss the case in its entirety. DE 55. Judge Numbers recommended the court deny Plaintiffs' motions for default judgment [DE 18, DE 44] and grant Defendants' motions to dismiss [DE 21 and DE 23]. To date, no objections have been filed.¹

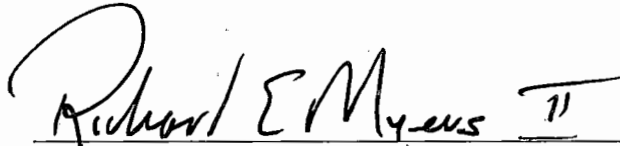
A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence

¹ Judge Numbers issued the M&R on May 8, 2023. Objections were due to be filed on or before May 25, 2023. See DE 55. The parties' motions and M&R were submitted to this court for disposition on June 8, 2023.

or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R [DE 55] and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiffs’ motions for default judgment [DE 18, DE 44] are DENIED, and Defendants’ motions to dismiss [DE 21 and DE 23] are GRANTED. The Clerk of Court is directed to close this case.

SO ORDERED this 9th day of June, 2023.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE